

Laos (Tier 2)

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Laos remained on Tier 2. These efforts included investigating, prosecuting, and convicting traffickers, approving national victim protection and referral guidelines, identifying and referring victims to protection services, maintaining a national anti-trafficking budget, improving cooperation with civil society, and implementing measures to protect the rights of Lao migrant workers abroad—including those seeking employment in domestic work. However, the government did not meet the minimum standards in several key areas. Authorities inconsistently utilized victim identification and screening procedures throughout the country. Police therefore penalized some unidentified sex trafficking victims for prostitution violations—unlawful acts their traffickers forced them to commit. The government continued to inadequately identify Lao and foreign victims of trafficking within Laos, despite acknowledgment by Lao authorities and NGOs of the increased risk of trafficking in special economic zones (SEZs), agricultural plantations, and large-scale infrastructure projects. Furthermore, law enforcement authorities did not adequately address or investigate suspected perpetrators of sex trafficking in at-risk sectors. Victim protection services remained insufficient for male victims of trafficking.

PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to disseminate, implement, and train police and border officials on the national victim protection and referral guidelines, with a focus on vulnerable groups, and proactively screen for trafficking indicators among vulnerable groups, including—but not limited to—Lao and foreign workers on large infrastructure, mining, and agricultural projects and returning from work overseas, and Lao and foreign women and girls in domestic commercial sex. • Train members of the central and provincial COVID-19 Task Forces, especially personnel involved in processing returning migrants, on victim identification and screening measures and victim referral procedures. • Proactively screen for and identify trafficking victims among women and girls discovered during police raids of nightclubs, karaoke bars, and other establishments that facilitate commercial sex. • Strengthen efforts to secure, formalize, and monitor border crossings in remote and mountainous areas commonly used by Lao labor migrants returning from abroad, and proactively screen for trafficking indicators among them. • Further train law enforcement officials at the national and local level on the Lao Penal Code to improve their ability to investigate, prosecute, and convict traffickers—including complicit officials and child sex tourists. • Increase

trafficking investigations, prosecutions, and convictions. • Continue to collaborate with civil society to update and extend the national action plan beyond 2021, taking into account changing trends and trafficking vulnerabilities. • Further increase government efforts and resources dedicated to service provision and assistance programs for victims and expand these services for male victims. • Eliminate the requirement that victims formally request restitution to receive compensation from their traffickers. • Further reduce barriers to formal labor migration to reduce vulnerability of migrant workers, to include taking steps to eliminate employee-paid recruitment fees. • Continue to strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labor trafficking. • Improve transparency and coordination by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among all sectors and levels of government and with nongovernmental stakeholders.

PROSECUTION

The government decreased law enforcement efforts. Article 215 of the penal code criminalized sex trafficking and labor trafficking and prescribed increased penalties of five to 15 years' imprisonment and a fine of 10 million to 100 million Lao kip (\$1,080 to \$10,780); if the offense involved a child victim, the fine range increased to 100 million to 500 million Lao kip (\$10,780 to \$53,880). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Anti-Trafficking Department (ATD) within the Ministry of Public Security reported it initiated the investigation of 21 potential cases of trafficking involving 43 suspected perpetrators from January to December 2020 (32 cases in 2019). Of these 21 cases, police completed the investigation of and referred to the People's Prosecutor 10 cases involving 20 suspected traffickers in 2020 (14 cases involving 25 suspected traffickers in 2019). Seven of the 10 cases involved fraudulent marriage—which may have involved corollary sex or labor trafficking indicators, but the government did not report these details—one involved labor trafficking, and two involved “trafficking,” but the government did not provide additional details of those cases. Additionally, two trafficking cases involving three suspected perpetrators initiated in 2019 remained pending with the People's Prosecutor during the reporting period. Of the 12 cases, the People's Prosecutor reported that there was not sufficient information to pursue three of the cases and it sent two back to the police for further investigation. The government secured convictions of 11 traffickers in five cases in 2020 (three involving child sex trafficking and two involving forced marriage, although the government did not provide details on the forced marriage cases to confirm that sex or labor trafficking indicators were present), compared with 18 traffickers convicted in 12 cases in 2019 (10 sex trafficking and two labor trafficking). Courts

sentenced traffickers to between five and 15 years' imprisonment and fines under article 215 of the penal code. Police at the central, provincial, and district levels reported during police raids of entertainment venues, nightclubs, and karaoke bars, they were reluctant to make arrests of "first offenders" among those facilitating or purchasing commercial sex, including potential perpetrators of sex trafficking and child sex trafficking. Furthermore, the government did not report investigating potential perpetrators of sex trafficking within known establishments facilitating commercial sex in the Golden Triangle SEZ in Bokeo province, even though the SEZ was a part of the Ministry of Public Security's jurisdiction during the reporting period. The government did not report any investigations, prosecutions, or convictions of officials for complicity in trafficking or trafficking-adjacent crimes during the year.

Authorities provided anti-trafficking trainings for law enforcement officials during the reporting period, including train-the-trainer sessions for the police; 129 police officials received trainings, which included 42 capital police officials and 51 police officials from six provinces. The government cooperated with China, Thailand, and Vietnam pursuant to existing bilateral agreements on information sharing, case investigation and prosecution, and victim repatriation. During the reporting period, the police cooperated with the Chinese police in an investigation involving an alleged Chinese sex trafficker who exploited two Lao girls. The government also continued to cooperate with the Chinese government on a case that it initiated in March 2020, which involved two suspected traffickers and six Chinese trafficking victims exploited in the Golden Triangle SEZ; per the bilateral agreement, in May 2020, the Lao government transferred the victims and alleged traffickers to Chinese authorities. Several provinces and districts maintained signed memorandums of understanding (MOUs) with Thai officials to promote cooperation. During the reporting period, the government received 57 Lao trafficking victims, which included 17 children, from the Thai government.

PROTECTION

The government maintained victim protection efforts. The government continued to identify and refer trafficking victims to protection services; however, its lack of consistent identification and referral practices throughout the country remained an obstacle to combating trafficking during the reporting period. The central ATD was the sole authority able to formally identify trafficking victims. In practice, provincial police, immigration police, village-level authorities, the government-funded Lao Women's Union (LWU), and NGOs could also screen for and identify victims and refer them to the ATD for formal identification. ATD and other police and border officials, including those stationed near or in at-risk communities, continued to use a victim identification manual; the LWU and Ministry of Foreign Affairs (MOFA) also used this manual during the reporting period. Nevertheless,

authorities did not proactively screen for and identify trafficking victims in foreign-owned rubber and banana plantations, SEZs, Laos-China railway construction sites, and garment factories—all locations that presented some indicators of trafficking. Officials reported that a lack of resources and personnel hindered efforts to proactively screen for and identify victims in these sectors. According to media reports during the reporting period, police at the central, provincial, and district levels were aware of establishments facilitating commercial sex in at least one SEZ, but police did not report screening for or identifying any adult or child sex trafficking victims in these establishments. Central and provincial level police officers reported that during raids of establishments facilitating commercial sex, failure to proactively screen for trafficking may have resulted in the arrest of some adult sex trafficking victims for prostitution violations; some child sex trafficking victims may have also been arrested due to officers' inability to effectively determine their age. As of the beginning of the reporting period, the government's National Task Force for COVID-19—a multi-sector committee led by the Ministry of Health (MOH)—assumed responsibility for screening all Lao migrants who returned to the country and oversaw COVID-19 quarantine centers; however, due to the large volume of nationals returning to the country, the task force focused primarily on health examinations for returnees and did not consistently screen this vulnerable population for trafficking. For example, MOH reported the task force facilitated the return of and quarantined more than 300 Lao migrant workers who returned from Malaysia—many of whom worked in the fishing industry—but it did not report if it screened this vulnerable population for trafficking. NGOs reported the Ministry of Labor and Social Welfare (MLSW) screened for trafficking indicators among some nationals returning through formal checkpoints, but the government did not effectively screen for trafficking among those returning illegally at informal border crossings. Overseas, Lao diplomatic officials were responsible for identifying victims and reporting cases to the ATD or MOFA; however, the government did not report if these officials continued to employ victim identification measures during the reporting period. Notably, in April 2020, the government approved national victim protection and referral guidelines—which were developed in consultation with civil society—to establish uniform, protective procedures for referring victims to services with the opportunity to seek justice. Although the pandemic delayed the government's efforts to officially disseminate the guidelines to relevant authorities for a few months, the LWU—which was tasked with compiling the guidelines—began to disseminate them during the reporting period. LWU also reported that authorities demonstrated implementing the guidelines through its efforts to assist in the return of Lao victims from Thailand and China during the reporting period. The government did not report if it funded the repatriation of foreign victims during the reporting period.

The government identified 21 victims of sex trafficking and 39 victims of labor trafficking; 66 victims of fraudulent marriage, which may have included corollary sex or labor trafficking indicators; and 16 victims of other forms of exploitation. All identified victims were citizens of Laos and the majority of these victims were exploited abroad, mostly in China and Thailand. The government did not report identifying any foreign trafficking victims during the reporting period. The ATD did not report if it counted or tracked victims who declined official assistance. The government referred all 60 identified victims of sex and labor trafficking, as well as the 82 victims of fraudulent marriage and other forms of exploitation, to the LWU for services, which operated the government's single shelter for trafficking victims. In comparison, in 2019, the government did not report a comprehensive number of identified victims but reported the LWU provided services to 39 identified victims. The 2016 anti-trafficking law entitled victims to shelter, legal counseling, medical services, education or vocational training, and financial assistance for reintegration, regardless of sex or nationality; however, in practice, the government did not provide sufficient services for male victims. The provision of shelter or other protective services were not contingent upon victims' cooperation with law enforcement or testimony in court. The Supreme People's Court reported that it continued to allow victims to testify behind a curtain to protect their privacy and ensure their safety, but it did not report how many victims testified against traffickers during the reporting period. The LWU and the MLSW were responsible for providing reintegration services for trafficking victims but relied heavily on NGOs to provide such assistance. The government reported that victims may request civil compensation and that this civil procedure can be combined with a criminal trial; the courts ordered nine defendants convicted in 2020 to pay compensation to their victims (four victims in total), with 78 million LAK. The government did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

PREVENTION

The government maintained prevention efforts. The government reported its budget for anti-trafficking activities remained the same as the previous reporting period, which was 300 million Lao kip (\$32,330) provided to each ministry. Some agencies, especially service providers, reported they had incurred extra expenses in 2020 due to the high volume of returning migrant workers; the government provided extra funds to the MOH for anti-trafficking activities, in part to assist in the unusually high number of victims returning from Thailand. The ministerial level National Steering Committee on Anti-Human Trafficking and the working-level National Secretariat on Anti-Human Trafficking continued to meet regularly and led Laos' anti-trafficking response. The Prime Minister's 2018 decree on the creation of multi-sectoral anti-trafficking steering committees at the provincial and

district levels to implement the 2016 anti-trafficking law and national action plan remained a priority; all 18 provinces and districts maintained committees. Coordination with civil society organizations continued to improve throughout the reporting period through joint formal consultations, sharing of best practices, and partnerships at national and sub-national levels. The government implemented its 2016-2020 national action plan and continued to consult with civil society organizations—for a new plan covering 2021-2025. The government's annual progress report on implementation of the existing plan was not publicly available.

The government continued to conduct a range of anti-trafficking education and outreach efforts through public posters, radio segments, and television, including a nationally broadcast weekly television program on trafficking issues. In December 2020, the government conducted awareness-raising on child sex tourism for 50-60 representatives from local anti-trafficking committees, tourism businesses, restaurants, and hoteliers in Champasak and Salavan provinces, then held similar activities in Vientiane Capital and Savannakhet in March and April 2021, respectively. The government also reportedly provided an anti-trafficking training to tourist-focused businesses during the reporting period. The ATD continued to operate a trafficking hotline, which received an average of 15 calls per month, but observers reported it was not fully staffed by an officer who could answer or address calls. The LWU also operated a hotline for domestic and gender-based violence and human trafficking, which served as the de facto national trafficking hotline; the hotline received 60-100 calls a day, but the government did not report how many trafficking cases or victim referrals it received from the hotline. Observers reported that staff at both hotlines did not always provide effective assistance or follow-up, and public awareness of these hotlines was limited.

Regulations for Lao workers migrating abroad were designed to prevent trafficking but in some cases may have exacerbated vulnerability to it. In May 2020, the Prime Minister issued Decree No.245 on the placement of Lao workers abroad, intended to protect the rights and interests of both workers and recruitment agencies; it also eliminated the ban on domestic work, which previously created the risk that some workers would migrate through informal channels and increase their vulnerability to unscrupulous agents and traffickers. During the reporting period, MLSW conducted skills training and job placement services for Lao workers, in an effort to discourage returned migrants from illegally seeking employment abroad. MLSW continued to oversee 24 recruitment agencies authorized to recruit for jobs abroad, although most of these agencies were closed during the reporting period. These agencies acted as gatekeepers to the formal migration process in Laos, and Lao law allowed these agencies to charge workers various recruitment fees. A 2002 MOU on employment cooperation with the Government of Thailand remained active and provided for a formal labor migration process, but it was costly to workers

(requiring forced savings for repatriation and payment of other fees), complex, and time-consuming. As a result, the MOU process did not dissuade migrants from utilizing irregular migration schemes, though it led to higher wages and fewer hours of work. A 2020 study conducted by an international organization reported that while the bilateral process did not always prevent Thai employers from exploiting workers, the process offered victims with assistance in both Thailand and Laos. A 2018 study by an international organization found formal recruitment centers passed on fees to workers; many workers did not understand the contracts they signed with the recruitment centers; and some Thai employers withheld workers' passports—all of which increased workers' vulnerability to trafficking. The MLSW continued to employ a labor attaché in Thailand who could register employment grievances of Lao workers in the country, but the government did not report if the attaché received anti-trafficking training or if the attaché formally identified any trafficking victims in Thailand during the reporting period. The government scheduled standard anti-trafficking trainings for its diplomatic personnel in 2020, but they were delayed due to COVID-19 restrictions; however, MOFA and LWU held a training session for consular officers on victim identification and referral in February 2021. Government capacity to register births and issue family books and other civil documents, particularly in remote areas of the country, remained limited and contributed to vulnerability; however, the government began to modernize civil registration systems in March 2021. The government did not make efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Laos, and traffickers exploit victims from Laos abroad. Laos is primarily a source country for human trafficking, particularly to Thailand and China, as well as Vietnam and Malaysia. Traffickers exploit a large number of Lao women and girls in Thailand in commercial sex and forced labor in domestic service, factories, or agriculture, and in some cases exploit those sold as brides in China in sex trafficking or domestic servitude. Traffickers exploit Lao men and boys in forced labor in Thailand's fishing, construction, and agricultural industries. Lao trafficking victims, especially from the southern region of the country, are often migrants seeking opportunities abroad whom traffickers exploit in labor or sex trafficking in destination countries. Some victims migrate with the assistance of legal or illegal brokers charging fees, while others move independently through Laos' 101 official border crossings using valid travel documents. Many of these border crossings are managed by provincial or district level immigration authorities with less formal training and limited hours of operation, making them easier transit points for traffickers to facilitate the movement of Lao victims into neighboring countries. Foreign traffickers increasingly collaborate with local Lao

middlemen to facilitate trafficking. In 2020, the pandemic had an impact on the vulnerability of Lao nationals returning from abroad. In March 2020, thousands of Lao migrants formally and informally working in Thailand and other countries, including Malaysia and China, began to return to Laos, which led to widespread unemployment within the country and increased economic hardship for families dependent on foreign remittances. These conditions placed Lao workers in potentially exploitative situations as they sought low paying jobs in Laos or illegally migrated for work abroad. Police observed that the closure of the Laos-Thai border has created a local demand for commercial sex; local officials speculate that the lack of access to work in Thailand coupled with economic hardship could lead to an increase in individuals engaging in commercial sex, increasing their vulnerability to sex trafficking.

Traffickers in rural communities often lure Lao women and girls with false promises of legitimate work opportunities or promises of marriage—typically through the use of marriage brokers—to nationals in neighboring countries, primarily China, and then subject them to sex or labor trafficking. Children from poor, rural areas are especially vulnerable. Students often have little incentive to continue their education, especially given the legal work age of 14 and the lure of higher wages abroad. With no oversight by local authorities, foreign and Lao workers at or near foreign-owned or foreign-operated agricultural plantations—including banana and rubber plantations—railway construction sites, and SEZ are extremely vulnerable to forced labor and sex trafficking. A study conducted by an international organization in 2019 reported the presence of women and children in commercial sex near Chinese-financed railway construction sites. There are reports that the Boten Economic Zone near the border with China houses a flourishing commercial sex industry. Other reports indicate that Burmese nationals working as manual laborers or involved in commercial sex near the Lao portion of the Golden Triangle—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders—may be victims of trafficking; a media report from February 2021 indicated the presence of Lao, Chinese, Burmese, Thai, and Vietnamese nationals in commercial sex in the Golden Triangle SEZ, some of whom may be trafficking victims. Traffickers also exploit Vietnamese, Chinese, and Lao women and children in sex trafficking in larger Lao cities and in close proximity to national borders, casinos, and SEZs—reportedly to meet the demand of Asian tourists and migrant workers. NGOs estimated in 2018 that 13,000 individuals in Laos are in commercial sex in established businesses and are potentially vulnerable to sex trafficking, with as many as three times that figure operating independently throughout the country. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States have traveled to Laos for the purpose of exploiting child sex trafficking victims.

